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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

NOV 22 2006
at 3 o'clock and 14 min. M
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NOV 22 2006
12:10 pm by
CLERK, U.S. DISTRICT COURT
DISTRICT OF HAWAII

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI'I

‘ILIO‘ULAOKALANI COALITION, a Hawai'i nonprofit corporation; NĀ ‘IMI PONO, a Hawai'i unincorporated association; and KĪPUKA, a Hawai'i unincorporated association,) Civil No. 04-00502 DAE BMK
Plaintiffs,) JOINT STIPULATION AND ORDER
v.) RE: EXPEDITED DISCOVERY
) RELATED TO INTERIM
) INJUNCTIVE RELIEF
DONALD H. RUMSFELD, Secretary of Defense; and FRANCIS J. HARVEY, Secretary of the United States Department of the Army,)
Defendants.)

**JOINT STIPULATION AND ORDER RE: EXPEDITED
DISCOVERY RELATED TO INTERIM INJUNCTIVE RELIEF**

* Pursuant to Local Rule 10.2(b), please refer to the signature page for the complete list of parties represented.

WHEREAS, at the November 20, 2006 status conference, the Court instructed the parties to confer and attempt to reach agreement on the scope and timing of expedited discovery related to interim injunctive relief; and

WHEREAS, plaintiffs ‘Ilio‘ulaokalani Coalition, Nā ‘Imi Pono, and Kīpuka (collectively, “the Hawaiian Groups”) and defendants Donald H. Rumsfeld, Secretary of Defense, and Francis J. Harvey, Secretary of the United States Department of the Army, (collectively, “the Army”) have reached agreement;

NOW, THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PARTIES THAT:

1. No later than 5:00 p.m. on Friday, December 1, 2006, the Hawaiian Groups shall produce all non-privileged documents responsive to requests nos. 3 through 7 as set forth in the Army’s November 20, 2006 letter, with the following modifications:
 - a. Request no. 4 shall require production of only documents related to the five Stryker-related construction projects at issue (*i.e.*, Qualification Training Range 1, the Urban Assault Course, the Multiple Deployment Facility, the Stryker Motor Pool, and Pōhakuloa Training Area Range 11T) and/or the training of the Stryker Brigade Combat Team; and
 - b. Request no. 7 shall not require the production of demonstrative exhibits. At the status conference following the completion of

discovery, the parties will establish a deadline for the exchange of demonstrative exhibits.

2. No later than noon on Tuesday, November 28, 2006, the Army shall provide interrogatory responses and produce all non-privileged documents responsive to requests nos. 5, 7, 10, and 24 as set forth in the Hawaiian Groups' First Set of Interrogatories and Requests for Production of Documents and Things (dated Nov. 20, 2006).

3. No later than 5:00 p.m. on Friday, December 1, 2006, the Army shall provide interrogatory responses and produce all non-privileged documents responsive to requests nos. 6, 8, 9, 11 through 21, 23, and 25 through 28 as set forth in the Hawaiian Groups' First Set of Interrogatories and Requests for Production of Documents and Things (dated Nov. 20, 2006), except that request no. 13 shall be modified to reference only types of exercise described in response to Interrogatory No. 5.

4. On November 29 through December 1, 2006, the Army shall permit up to four representatives of the Hawaiian Groups to enter upon land on O'ahu (two of the days) and Hawai'i Island (one day) from 9 a.m. until 5 p.m. to allow the Hawaiian Groups to photograph, visually inspect, and take measurements of:

(1) the five Stryker-related construction projects at issue (i.e., Qualification Training Range 1, the Urban Assault Course, the Multiple Deployment Facility, the Stryker Motor Pool, and Pōhakuloa Training Area Range 11T) and the

immediate vicinity around the project sites; and (2) any range or other location where the Army proposes (a) to fire 120mm mortars and/or the Mobile Gun System and/or (b) drive Stryker vehicles (except where the Army proposes to drive Strykers only on roads now in existence). The parties will promptly seek to arrive at a mutually convenient schedule for the aforementioned site inspections.

5. On December 4 through 7, 2006, the parties will take the following depositions:

- a. The Army will take the depositions of A. Leimaile Quitevis and Kamoa Quitevis; and
- b. The Hawaiian Groups will take the depositions of Ronald L. Borne and the person(s) the Army designates as its authorized representatives in response to the Hawaiian Groups' November 20, 2006 Notice Of Taking Deposition Upon Oral Examination Pursuant To Rule 30(b)(6).

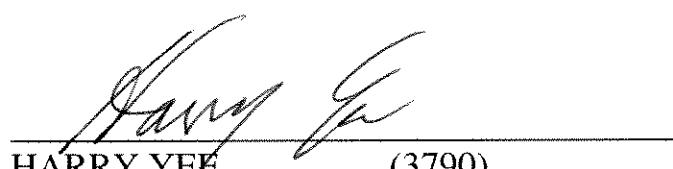
The parties will promptly seek to arrive at a mutually convenient schedule for the aforementioned depositions.

6. No later than midnight on Tuesday, November 28, 2006, each party shall identify potential witnesses who did not submit a declaration in connection with the parties' November 14, 2006 simultaneous briefing regarding injunctive relief. Should any party identify any such witness, the other party shall have the

right to take the deposition of that potential witness. The parties will promptly seek agreement regarding the schedule for any such depositions.

Respectfully submitted this 22nd day of November, 2006.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawai'i



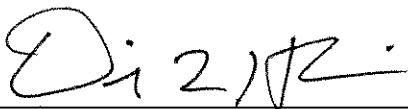
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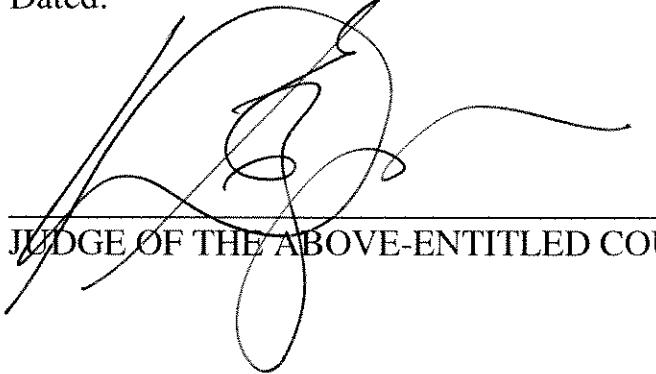
By:



David L. Henkin
Attorneys for Plaintiffs

APPROVED AND SO ORDERED

Dated:



JUDGE OF THE ABOVE-ENTITLED COURT

'Ilio'ulaokalani Coalition, et al. v. Donald H. Rumsfeld, et al., Civil No. 04-00502
DAE BMK (D. Haw.); JOINT STIPULATION AND ORDER RE: EXPEDITED
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